

**GISKAN SOLOTAROFF & ANDERSON LLP**

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*Counsel for Plaintiffs*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YOSHIO LUCERO,  
JOSE RODRIGUEZ, and  
LEANDRO SAHAD

Plaintiffs,

-against-

Case No.: 1:22-CV-08917  
(RA)(OTW)

MEDICAL CENTER PHARMACY, INC.,  
SPECIALTY CARE PHARMACY, INC.,  
TOTAL CARE PHARMACY, INC.,  
TOTAL CARE PHARMACY BX, INC.,  
TOTAL CARE PHARMACY IV, INC.,  
THE ESTATE OF TONINO SEMENTILLI,  
EGIDIO SEMENTILLI, individually and in his  
capacity as Executor of the Estate of Tonino Sementilli,  
LIDE SEMENTILLI, individually and in his  
capacity as Executor of the Estate of Tonino Sementilli,  
and FELICIA SEMENTILLI, in her capacity as Executor  
of the Estate of Tonino Sementilli,

Defendants.

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**NOTICE OF MOTION FOR CONDITIONAL CERTIFICATION AND COURT-  
AUTHORIZED NOTICE PURSUANT TO SECTION 216(b) OF THE FLSA**

Plaintiffs YOSHIO LUCERO, JOSE RODRIGUEZ, and LEANDRO SAHAD hereby move this Court pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 216(b), for entry of an Order:

1. Conditionally certifying a class of persons who at any point since September 13, 2022 (a) worked for Defendants in any position besides pharmacist (b) were paid hourly wages; and (c) were not paid overtime or “spread of hours” wages.
2. Directing Defendants to produce a computer-readable list identifying by name, last known mail address, last known email address, and telephone number all persons described above within 10 days of entry of the Order;
3. Authorizing Plaintiffs to issue the Notice attached as Exhibit F to the O’Brien Declaration to putative class members via U.S. Mail and/or email and the Consent to Join form attached thereto; and
4. Authorizing Defendants to post the Notice in conspicuous common areas in its Pharmacies.

The grounds for this Motion are set forth in Plaintiffs’ Memorandum of Law in Support of Motion for Conditional Certification and Court-Authorized Notice Pursuant to Section 216(b) of the FLSA, the Declaration of David O’Brien and the exhibits attached thereto, including the Plaintiffs’ Declarations.

Dated: May 15, 2024

Respectfully submitted,

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